

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 8:23-cv-00460-JVS-ADS Date April 4, 2025

Title Securities and Exchange Commission v. John David Gessin, et al.

Present: The Honorable **James V. Selna, U.S. District Court Judge**

Priscilla Deason for Elsa Vargas

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: **[IN CHAMBERS] Order Regarding Appointment of Counsel for Equifunds, Inc. and Ice Fleet LLC**

On February 27, 2025, the Court granted Donna M. Boris' motion to withdraw as attorney for Defendants John David Gessin ("Gessin"), Equifunds, Inc. ("Equifunds"), and Ice Fleet LLC ("Ice Fleet"). (Order, Dkt. No. 49.) The Court noted in its Order the following:

While allowing withdrawal of counsel resolves the conflicts issue, it raises the issue of representation. It is well established that a corporation must be represented by counsel and cannot appear pro se. See Reading Intern., Inc. v. Malulani Grp., Ltd., 814 F.3d 1046, 1053 (9th Cir. 2016). In this case, there are two business entity Defendants and one individual Defendant. Now that counsel has been withdrawn, Equifunds, Inc. and Ice Fleet LLC must immediately seek new counsel and file a notice of appearance with the Court within thirty (30) days of this order. . . .

In the event that the defendants fail to do so, Gessin shall proceed *in propria persona* and/or the default of Ice Fleet LLC shall be entered for failure to prosecute pursuant to Fed. R. Civ. P. 41.

(Order at 4.) On April 2, 2025, the Securities and Exchange Commission ("SEC") filed a request for clerk to enter default against the entity-defendants Ice Fleet and Equifunds. (See Dkt. No. 55.) As of April 4, 2025, the entity-defendants have not filed a notice of appearance.

The Court hereby **ORDERS** Ice Fleet and Equifunds to enter a notice of

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appearance within fifteen (15) days of this Order given the uncertainty of whether all of the Defendants, including specifically Gessin, received notice of the motion to withdraw and Order to appoint counsel. Failure to enter a notice of appearance will result in the entry of default against Ice Fleet LLC and Equifunds, Inc. for failure to defend. See Fed. R. Civ. P. 41.

The Clerk is to serve a copy of this minute order via US Mail to: John David Gessin, Equifunds, Inc., and Ice Fleet LLC, all located at 28241 Crown Valley Pkwy Suite F607, Laguna Niguel, CA 92677.

IT IS SO ORDERED.